

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 11, 2016

SENATE BILL

No. 1194

Introduced by Senator Hill

February 18, 2016

An act to amend Sections 2909.5, 2913, 2914, 2914.1, ~~2914.2~~ 2914.2, 2915, 2920, and 2933 of, to add Sections 2934.1 and 2988.5 to, and to repeal Section 2947 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1194, as amended, Hill. Psychology: Board of Psychology: personnel.

(1) Existing law, the Psychology Licensing Law (hereafter law), establishes the Board of Psychology to license and regulate the practice of psychology, and authorizes the board to employ all personnel necessary to carry out that law and to employ an executive officer, as specified. These provisions are in effect only until January 1, 2017.

This bill would extend those provisions to January 1, 2021.

(2) The law defines the practice of psychology as rendering or offering to render, for a fee, psychological services involving the application of psychological principles and methods, including the diagnosis, prevention, and treatment of psychological problems and emotional and mental disorders. The law prohibits unlicensed persons from practicing psychology, but authorizes unlicensed persons, including psychological assistants who meet certain requirements and do not provide psychological services to the public, except as an employee of

a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation, to perform limited psychological functions. *The law also prohibits its provisions from being construed as restricting or preventing specified nonprofit community agency employees from carrying out activities of a psychological nature or using their official employment title, as specified, provided the employees do not render or offer to render psychological services.* The law provides that a violation of any of its provisions is a misdemeanor.

This bill would recast these provisions to authorize an unlicensed person preparing for licensure as a psychologist to perform psychological functions under certain conditions, including registration with the board as a psychological assistant and immediate supervision by a licensed psychologist or physician and surgeon who is board certified in psychiatry, as specified. The bill would prohibit a psychological assistant from providing psychological services to the public except as a supervisee. *The bill would expand the prohibition on construing the law's provisions as restricting or preventing specified activities of nonprofit community agency employees by making this prohibition contingent on the employees' not rendering or offering to render psychological services to the public.* By changing the definition of a crime, this bill would create a state-mandated local program.

(3) The law conditions the issuance of a psychology license upon an applicant having received any of certain kinds of doctorate degrees, from an accredited educational institution. The law requires, with certain exceptions, the board to issue renewal licenses for psychology only to those applicants who have completed 36 hours of approved continuing education in the preceding two years. Existing law prescribes a biennial license renewal fee of not more than \$500. Existing law also requires a person applying for relicensure or for reinstatement to an active license to certify under penalty of perjury that he or she is in compliance with the continuing education requirements. Existing law requires continuing education instruction to be completed within the state or be approved for credit by the American Psychological Association or its equivalent.

This bill would revise and recast the doctorate degree requirements for licensure to include, until January 1, 2020, a doctorate degree from an unaccredited institution that is approved for operation by a specified entity. The bill would replace the term “continuing education” with “continuing professional development,” define “continuing professional development,” require a person applying for renewal or reinstatement to certify compliance with these requirements under penalty of perjury,

require continuing professional courses to be approved by organizations approved by the board, as specified, and authorize the board to grant exemptions from, or extensions for compliance with, these requirements.

This bill would authorize the board to issue a retired license to a licensed psychologist if the psychologist has applied to the board for a retired license and pays a fee of not more than \$75. The bill would also prohibit the holder of a retired license from engaging in the practice of psychology in the same manner as an active licensee. Because a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

(4) The law authorizes the board to appoint qualified persons to give the whole or any portion of any examination provided for in the law, to be designated as commissioners on examination.

This bill would repeal this authorization.

This bill would authorize the board to post on its Internet Web site the prescribed information regarding all current and former licensees.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 2909.5 of the Business and Professions*
2 *Code is amended to read:*
3 2909.5. This chapter shall not be construed as restricting or
4 preventing activities of a psychological nature or the use of the
5 official title of the position for which persons were employed on
6 the part of persons who meet the educational requirements of
7 subdivision (b) of Section 2914 and who have one year or more
8 of the supervised professional experience referenced in subdivision
9 (c) of Section 2914, if they are employed by nonprofit community
10 agencies that receive a minimum of 25 percent of their financial
11 support from any federal, state, county, or municipal governmental
12 organizations for the purpose of training and providing services,
13 provided those persons are performing those activities as part of
14 the duties for which they were employed, are performing those

1 activities solely within the confines of or under the jurisdiction of
2 the organization in which they are employed and do not render or
3 offer to render psychological ~~services~~, *services to the public*, as
4 defined in Section 2903. Those persons shall be registered by the
5 agency with the board at the time of employment and shall be
6 identified in the setting as a “registered psychologist.” Those
7 persons shall be exempt from this chapter for a maximum period
8 of 30 months from the date of registration.

9 **SECTION 1.**

10 *SEC. 2.* Section 2913 of the Business and Professions Code is
11 amended to read:

12 2913. A person other than a licensed psychologist may perform
13 psychological functions in preparation for licensure as a
14 psychologist only if all of the following conditions are met:

15 (a) The person shall register himself or herself with the board
16 as a “psychological assistant.” This registration shall be renewed
17 annually in accordance with regulations adopted by the board.

18 (b) The person (1) has completed a master’s degree in
19 psychology or education with the field of specialization in
20 psychology or counseling psychology, or (2) has been admitted to
21 candidacy for a doctoral degree in psychology or education with
22 the field of specialization in psychology or counseling psychology,
23 after having satisfactorily completed three or more years of
24 postgraduate education in psychology and having passed
25 preliminary doctoral examinations, or (3) has completed a doctoral
26 degree that qualifies for licensure under Section 2914.

27 (c) (1) The psychological assistant is at all times under the
28 immediate supervision, as defined in regulations adopted by the
29 board, of a licensed psychologist, or a licensed physician and
30 surgeon who is certified in psychiatry by the American Board of
31 Psychiatry and Neurology, who shall be responsible for insuring
32 that the extent, kind, and quality of the psychological services that
33 the psychological assistant performs are consistent with his or her
34 training and experience and be responsible for the psychological
35 assistant’s compliance with this chapter and regulations.

36 (2) A licensed psychologist or board certified psychiatrist shall
37 not supervise more than three psychological assistants at any given
38 time. No psychological assistant may provide psychological
39 services to the public except as a supervisee pursuant to this
40 section.

(d) The psychological assistant shall comply with regulations that the board may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.

~~SEC. 2.~~

SEC. 3. Section 2914 of the Business and Professions Code is amended to read:

2914. Each applicant for licensure shall comply with all of the following requirements:

(a) Is not subject to denial of licensure under Division 1.5 (commencing with Section 475).

(b) Possess an earned doctorate degree (1) in psychology, (2) in educational psychology, or (3) in education with the field of specialization in counseling psychology or educational psychology. Except as provided in subdivision (h), this degree or training shall be obtained from an accredited university, college, or professional school. The board shall make the final determination as to whether a degree meets the requirements of this section.

(c) (1) On or after January 1, 2020, possess an earned doctorate degree in psychology, in educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. Until January 1, 2020, the board may accept an applicant who possesses a doctorate degree in psychology, educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from an institution that is not accredited by an accrediting agency recognized by the United States Department of Education, but is approved to operate in this state by the Bureau for Private Postsecondary Education.

(2) No educational institution shall be denied recognition as an accredited academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this chapter or in the administration of this chapter shall require the registration with the board by educational institutions of their departments of psychology or their doctoral programs in psychology.

(3) An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that he or she possesses a doctorate

1 degree in psychology that is equivalent to a degree earned from a
2 regionally accredited university in the United States or Canada.
3 These applicants shall provide the board with a comprehensive
4 evaluation of the degree performed by a foreign credential
5 evaluation service that is a member of the National Association
6 of Credential Evaluation Services (NACES), and any other
7 documentation the board deems necessary.

8 (d) (1) Have engaged for at least two years in supervised
9 professional experience under the direction of a licensed
10 psychologist, the specific requirements of which shall be defined
11 by the board in its regulations, or under suitable alternative
12 supervision as determined by the board in regulations duly adopted
13 under this chapter, at least one year of which shall be after being
14 awarded the doctorate in psychology. The supervisor shall submit
15 verification of the experience required by this subdivision to the
16 trainee in a manner prescribed by the board. If the supervising
17 licensed psychologist fails to provide verification to the trainee in
18 a timely manner, the board may establish alternative procedures
19 for obtaining the necessary documentation. Absent good cause,
20 the failure of a supervising licensed psychologist to provide the
21 verification to the board upon request shall constitute
22 unprofessional conduct.

23 (2) The board shall establish qualifications by regulation for
24 supervising psychologists.

25 (e) Take and pass the examination required by Section 2941
26 unless otherwise exempted by the board under this chapter.

27 (f) Show by evidence satisfactory to the board that he or she
28 has completed training in the detection and treatment of alcohol
29 and other chemical substance dependency. This requirement applies
30 only to applicants who matriculate on or after September 1, 1985.

31 (g) (1) Show by evidence satisfactory to the board that he or
32 she has completed coursework in spousal or partner abuse
33 assessment, detection, and intervention. This requirement applies
34 to applicants who began graduate training during the period
35 commencing on January 1, 1995, and ending on December 31,
36 2003.

37 (2) An applicant who began graduate training on or after January
38 1, 2004, shall show by evidence satisfactory to the board that he
39 or she has completed a minimum of 15 contact hours of coursework
40 in spousal or partner abuse assessment, detection, and intervention

1 strategies, including knowledge of community resources, cultural
2 factors, and same gender abuse dynamics. An applicant may request
3 an exemption from this requirement if he or she intends to practice
4 in an area that does not include the direct provision of mental health
5 services.

6 (3) Coursework required under this subdivision may be
7 satisfactory if taken either in fulfillment of other educational
8 requirements for licensure or in a separate course. This requirement
9 for coursework shall be satisfied by, and the board shall accept in
10 satisfaction of the requirement, a certification from the chief
11 academic officer of the educational institution from which the
12 applicant graduated that the required coursework is included within
13 the institution's required curriculum for graduation.

14 (h) Until January 1, 2020, an applicant holding a doctoral degree
15 in psychology from an approved institution is deemed to meet the
16 requirements of this section if both of the following are true:

17 (1) The approved institution offered a doctoral degree in
18 psychology designed to prepare students for a license to practice
19 psychology and was approved by the former Bureau for Private
20 Postsecondary and Vocational Education on or before July 1, 1999.

21 (2) The approved institution has not, since July 1, 1999, had a
22 new location, as described in Section 94823.5 of the Education
23 Code.

24 ~~SEC. 3.~~

25 *SEC. 4.* Section 2914.1 of the Business and Professions Code
26 is amended to read:

27 2914.1. The board shall encourage every licensed psychologist
28 to take a continuing professional development course in geriatric
29 pharmacology as a part of his or her continuing professional
30 development. *pharmacology.*

31 ~~SEC. 4.~~

32 *SEC. 5.* Section 2914.2 of the Business and Professions Code
33 is amended to read:

34 2914.2. The board shall encourage licensed psychologists to
35 take continuing professional development courses in
36 psychopharmacology and biological basis of behavior as part of
37 their continuing professional development. *behavior.*

38 ~~SEC. 5.~~

39 *SEC. 6.* Section 2915 of the Business and Professions Code is
40 amended to read:

1 2915. (a) Except as provided in this section, the board shall
2 issue a renewal license only to an applicant who has completed
3 36 hours of approved continuing professional development in the
4 preceding two years.

5 (b) Each person who applies to renew or reinstate his or her
6 license issued pursuant to this chapter shall certify under penalty
7 of perjury that he or she is in compliance with this section and
8 shall retain proof of this compliance for submission to the board
9 upon request. False statements submitted pursuant to this section
10 shall be a violation of Section 2970.

11 (c) Continuing professional development means certain
12 continuing education learning activities approved in four different
13 categories:

14 (1) Professional.

15 (2) Academic.

16 (3) Sponsored continuing education coursework.

17 (4) Board certification from the American Board of Professional
18 ~~Psychology according to the standards the American Board of~~
19 ~~Professional Psychology used for certification as of January 1,~~
20 ~~2016: Psychology.~~

21 The board may develop regulations further defining acceptable
22 continuing professional development activities.

23 (d) (1) The board shall require a licensed psychologist who
24 began graduate study prior to January 1, 2004, to take a continuing
25 education course during his or her first renewal period after the
26 operative date of this section in spousal or partner abuse
27 assessment, detection, and intervention strategies, including
28 community resources, cultural factors, and same gender abuse
29 dynamics. Equivalent courses in spousal or partner abuse
30 assessment, detection, and intervention strategies taken prior to
31 the operative date of this section or proof of equivalent teaching
32 or practice experience may be submitted to the board and at its
33 discretion, may be accepted in satisfaction of this requirement.

34 (2) Continuing education courses taken pursuant to this
35 subdivision shall be applied to the 36 hours of approved continuing
36 professional development required under subdivision (a).

37 (e) Continuing education courses approved to meet the
38 requirements of this section shall be approved by organizations
39 approved by the board. An organization *previously* approved by

1 the board to provide or approve continuing education ~~on March~~
2 ~~1, 2016~~, is deemed approved under this section.

3 (f) The board may accept sponsored continuing education
4 courses that have been approved by a private, nonprofit
5 organization that has demonstrated to the board in writing that it
6 has, at a minimum, a 10-year history of providing educational
7 programming for psychologists and has documented procedures
8 for maintaining a continuing education approval program. The
9 board shall adopt regulations as necessary for implementing this
10 section.

11 (g) The board may grant an exemption, or an extension of the
12 time for compliance with, from the continuing professional
13 development requirement of this section.

14 (h) The administration of this section may be funded through
15 professional license fees and continuing education provider and
16 course approval fees, or both. The fees related to the administration
17 of this section shall not exceed the costs of administering the
18 corresponding provisions of this section.

19 ~~SEC. 6.~~

20 *SEC. 7.* Section 2920 of the Business and Professions Code is
21 amended to read:

22 2920. (a) The Board of Psychology shall enforce and
23 administer this chapter. The board shall consist of nine members,
24 four of whom shall be public members.

25 (b) This section shall remain in effect only until January 1, 2021,
26 and as of that date is repealed.

27 (c) Notwithstanding any other law, the repeal of this section
28 renders the board subject to review by the appropriate policy
29 committees of the Legislature.

30 ~~SEC. 7.~~

31 *SEC. 8.* Section 2933 of the Business and Professions Code is
32 amended to read:

33 2933. (a) Except as provided by Section 159.5, the board shall
34 employ and shall make available to the board within the limits of
35 the funds received by the board all personnel necessary to carry
36 out this chapter. The board may employ, exempt from the State
37 Civil Service Act, an executive officer to the Board of Psychology.
38 The board shall make all expenditures to carry out this chapter.
39 The board may accept contributions to effectuate the purposes of
40 this chapter.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

~~SEC. 8.~~

SEC. 9. Section 2934.1 is added to the Business and Professions Code, to read:

2934.1. (a) The board may post on its Internet Web site the following information on the current status of the license for all current and former licensees:

(1) Whether or not the licensee has a record of a disciplinary action.

(2) Any of the following enforcement actions or proceedings against the licensee:

(A) Temporary restraining orders.

(B) Interim suspension orders.

(C) Revocations, suspensions, probations, or limitations on practice ordered by the board or by a court with jurisdiction in the state, including those made part of a probationary order, cease practice order, or stipulated agreement.

(D) Accusations filed by the board, including those accusations that are on appeal, excluding ones that have been dismissed or withdrawn where the action is no longer pending.

(E) Citations issued by the board. Unless withdrawn, citations shall be posted for five years from the date of issuance.

(b) The board may also post on its Internet Web site all of the following historical information in its possession, custody, or control regarding all current and former licensees:

(1) Institutions that awarded the qualifying educational degree and type of degree awarded.

(2) A link to the licensee's professional Internet Web site.

(c) The board may also post other information designated by the board in regulation.

~~SEC. 9.~~

SEC. 10. Section 2947 of the Business and Professions Code is repealed.

~~SEC. 10.~~

SEC. 11. Section 2988.5 is added to the Business and Professions Code, to read:

2988.5. (a) The board may issue, upon an application prescribed by the board and payment of a fee not to exceed seventy-five dollars (\$75), a retired license to a psychologist who

1 holds a current license issued by the board, or one capable of being
2 renewed, and whose license is not suspended, revoked, or otherwise
3 restricted by the board or subject to discipline under this chapter.

4 (b) The holder of a retired license issued pursuant to this section
5 shall not engage in any activity for which an active license is
6 required. A psychologist holding a retired license shall be permitted
7 to use the title “psychologist, retired” or “retired psychologist.”
8 The designation of retired shall not be abbreviated in any way.

9 (c) A retired license shall not be subject to renewal.

10 (d) The holder of a retired license may apply to obtain an active
11 status license as follows:

12 (1) If that retired license was issued less than three years prior
13 to the application date, the applicant shall meet all of the following
14 requirements:

15 (A) Has not committed an act or crime constituting grounds for
16 denial or discipline of a license.

17 (B) Pays the renewal fee required by this chapter.

18 (C) Completes the continuing professional development required
19 for the renewal of a license within two years of the date of
20 application for restoration.

21 (D) Complies with the fingerprint submission requirements
22 established by the board.

23 (2) Where the applicant has held a retired license for three or
24 more years, the applicant shall do all of the following:

25 (A) Submit a complete application for a new license.

26 (B) Take and pass the California Psychology Law and Ethics
27 Examination.

28 (C) Pay all fees required to obtain a new license.

29 (D) Comply with the fingerprint submission requirements
30 established by the board.

31 (E) Be deemed to have met the educational and experience
32 requirements of subdivisions (b) and (c) of Section 2914.

33 (F) Establish that he or she has not been subject to denial or
34 discipline of a license.

35 ~~SEC. 11.~~

36 *SEC. 12.* No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.

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